

REMARKS

Applicant has carefully reviewed the Final Office Action dated August 13, 2003. Applicant respectfully traverses all objections, rejections, and assertions made by the Examiner. Please cancel claims 1-3 without prejudice. Claims 4-22 remain pending.

The IDS filed by Applicant on February 22, 2003 has not been returned with this office action. Applicant hereby requests an initialed copy of the corresponding Form PTO-1449, indicating that the cited references were considered by the Examiner.

Claims 1-4, 7-8, 11-14, 16-17 and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by Trotta in U.S. Patent No. 5,314,386. Claims 1-3 have been cancelled. As to claims 4 and 7-8, claim 4 recites the limitation of a tie layer insert disposed over the distal segment of the second tubular member and that the distal waist length of the balloon is affixed to the tie layer. Thus, the connection between the balloon, tie layer insert, and second tubular member (as required by claim 4) occurs on the distal side of the balloon. In contrast, Trotta discloses a thin-walled flexible tube 28 disposed at the proximal leg portion 31 of the balloon (Trotta at Figure 2). Therefore, the connections of these structures in Trotta occur on the proximal side of the balloon. Accordingly, Applicant respectfully submits that Trotta fails to anticipate the limitations of claim 4.

Moreover, claim 4 also requires that the second tubular member be disposed within a portion of the first tubular member. Because the second tubular member is disposed within at least a portion of the first tubular member, it can be appreciated that at least a portion of the second tubular member is the more "inner" of the first and second tubular members. Claim 4 requires that the tie layer insert be disposed over the second tubular member. Thus, Applicant's claimed tie layer insert is disposed (at least partially) over the "inner" tubular member. Trotta,

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however, discloses that the thin-walled tube 28 is attached to the outer tube 27 and not the inner tube 23 (Trotta at Figure 2). Therefore, Trotta also fails to anticipate this required limitation of claim 4. Based on these remarks, Applicant respectfully submits that claim 4 is allowable over Trotta. Because claims 7 and 8 depend from claim 4, they are allowable based on these remarks and because they add significant elements to distinguish them from the prior art.

No tie layer As to claims 11-14, 16-17 and 22, independent claims 11, 17 and 22 similarly require that the tie layer insert be disposed over or affixed to the inner tubular member and that the distal waist of the balloon is attached to the insert. Accordingly, it is believed that these claims are novel in view of Trotta based on the reasons stated above. Because claims 12-14 and 16 depend from claim 11, they are also novel based on these remarks and because they add significant elements to distinguish them from the prior art.

Claims 1-4, 7-8, 11-14, 16-17 and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by Schwab et al. in U.S. Patent No. 5,769,819. Claims 1-3 have been cancelled. As to claims 4 and 7-8, claim 4 requires that the tie layer insert be disposed over the second tubular member. As described above, the second tubular member is at least partially disposed within the first tubular member and, thus, is at least partially the "inner" of the tubular members. Accordingly, claim 4 requires that the tie layer be disposed (at least partially) over the inner tubular member. In contrast, Schwab et al. disclose an inner guidewire tube 70, an outer tip extension 30, and an adhesive layer 20 attached to the outer tip extension 30. More particularly, it can be seen in Figure 1 of Schwab et al. that at least a portion of the guidewire tube 20 is disposed within the tip extension 30. No portion of the tip extension 30 appears to be disposed within the guidewire tube 20. Thus, the tip extension 30 is not partially disposed within the guidewire tube 20 and is not the "inner" tubular member. Because the adhesive layer is attached

to the outer tip extension 30, Schwab et al. fail to meet the limitation of a tie layer insert disposed over the second (inner) tubular member as required by claim 4. In fact, even the most proximal extreme of the adhesive layer 30 appears to not quite reach the guidewire tube 20 and cannot be interpreted as being in any way disposed “over” the guidewire tube 20. Therefore, Schwab et al. fail to meet a required limitation of claim 4. Based on these remarks, Applicant respectfully submits that claim 4 is patentable over Schwab et al. Because claims 7 and 8 depend from claim 4, they are allowable based on these remarks and because they add significant elements to distinguish them from the prior art.

As to claims 11-14, 16-17 and 22, independent claims 11, 17 and 22 similarly require that the insert be disposed over or affixed to the inner tubular member. Accordingly, it is believed that these claims are novel in view of Schwab et al. based on the reasons stated above. Because claims 12-14 and 16 depend from claim 11, they are also novel based on these remarks and because they add significant elements to distinguish them from the prior art.

Claims 5-6, 9, 10, 12-13, 15 and 18-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schwab et al. and Trotta as applied above, and further in view of Wang et al. in U.S. Patent No. 6,465,067. As described above, it is believed that claims 4, 11, and 17 are distinguishable from both Schwab et al. and Trotta and are in condition for allowance. The limitations of claims 4, 11 and 17 also appear to not be disclosed or taught by Wang et al. Accordingly, claims 4, 11 and 17 are believed to be in condition for allowance. Because claims 5-6, 9, 10, 12-13, 15 and 18-21 depend from claims 4, 11 or 17, they are allowable based on the above remarks and because they add significant elements to distinguish them from the prior art.

Claims 1-4, 7-8, 11-14, 16-17 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Saab in U.S. Patent No. 5,499,973. The Examiner has indicated that Saab

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does not teach the discrete length of tie layer is about the same length as the balloon waist length but that it would have been an obvious matter of design choice to a person of ordinary skill in the art. The Examiner has further indicated that Applicant has not disclosed that shortening the length of the tie member provides any advantage, is used for a particular purpose, or solves any stated problem. Applicant respectfully disagrees with these assertions. The Saab disclosure teaches that the purpose of the stiffening band (e.g., band 30 in Figure 1, band 42 in Figure 2, band 70 in Figure 3, and band 82 in Figure 4) is to add stiffening support to the catheter. Saab at column 3, lines 40-51. Thus, if the bands of Saab were truncated so as to have a length corresponding only to the length of the proximal or distal waist of the balloon, their purpose would be completely undermined. M.P.E.P. §2143.01 states that modifications cannot render the prior art unsatisfactory for its intended purpose. Clearly, limiting the stiffening bands in Saab to only the length of the balloon waists would be unsatisfactory for providing stiffening support to a catheter. Based on these remarks, Applicant respectfully submits that it would not be obvious to shorten the bands disclosed by Saab to arrive at Applicant's claimed invention. Accordingly, Applicant respectfully submits that claims 1-4, 7-8, 11-14, 16-17 and 22 are patentable over Saab and hereby request that the rejection under 35 U.S.C. §103(a) be withdrawn.

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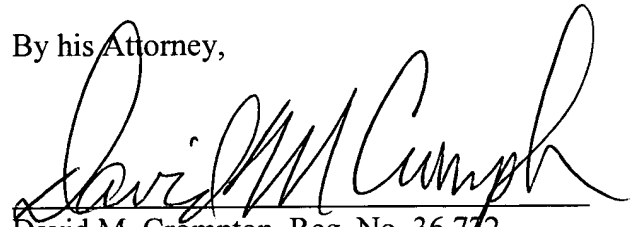
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Lixiao Wang

By his Attorney,

Date: 11/13/03


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